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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,810	12/04/2000	Victor Shao	50277-1524	9258

42425 7590 04/06/2006

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EXAMINER

NGUYEN, QUANG N

ART UNIT PAPER NUMBER

2141

DATE MAILED: 04/06/2006

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Technology Center 2100

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/729,810

Filing Date: December 04<sup>th</sup>, 2000

Appellant(s): VICTOR SHAO, ET AL.

Christopher J. Brokaw

For Appellants

***Examiner's Answer***

This is in response to the appeal brief filed 01/24/2006.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Claimed Subject Matter***

The summary of claimed subject matter contained in the brief is correct.

**(6) *Grounds of Rejection to be Reviewed on Appeal***

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) *Claims Appendix***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) *Evidence Relied Upon***

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal:

Young et al. (US 2002/0065774 A1) issued on 05/30/2002.

Patterson et al. (Computer Organization & Design: The Hardware/Software Interface – 2<sup>nd</sup> Edition) issued in 1998.

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**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 09/06/2005 and 10/28/2005 was filed after the mailing date of the Final Rejection on 07/13/2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 3-4, 9-13, 15, 20-21, 23-24, 29-33, 35 and 40-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Young et al. (US 2002/0065774 A1), herein after referred as "Young".**

4. As to claim 1, **Young** teaches:

storing, external to a device and separate from a first service of a plurality of services, data records containing a plurality of data items associated with a particular type of information (storing, external to mobile phone 10 and separate from merchant 20, the electronic wallet 17 containing data records of user's shopping and payment information on the electronic wallet server 16 or on the transaction portal server 14) (**Young, Fig. 1 and paragraphs [0024], lines 1-3 and [0037], lines 1-8**),

wherein the step of storing said data records comprises:

receiving content, provided by one or more services, in response to being requested by the device (the portal 15 receiving information about the product associated with the product code 1129, provided by a web server of the merchant 20, in response to being requested by mobile phone 10) (**Young, Fig. 1 and paragraph [0053], lines 1-8**);

parsing the content in an attempt to identify, one or more data items associated with said particular type of information (parsing information about the product retrieved by the portal 15 identifying one or more data items such as brand name of the product, size and color, i.e., a short description of the product) (**Young, paragraph [0053], lines 8-11**); and

when the one or more data items are identified, generating one or more data records that contain said one or more data items (the portal 15 generates transaction records comprising the consumer's indication of which of the options the consumer desires (e.g., gray coat, size XL), to be sent to and stored at the

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electronic wallet 17 as user's shopping information and/or order information which is subsequently transmitted to the merchant 20) (Young, paragraphs [0024], lines 1-3, [0055] and [0061]);

receiving a first message from said device requesting said first service, wherein said first service requires said particular type of information for input (the portal 15 receives from the mobile phone 10 the purchase indication request of a gray coat, size XL, for example, from the merchant 20) (Young, paragraphs [0055]);

reading said data records and transmitting data to said device to cause said device to present a user interface a particular data item of said plurality of data items to be selected (the portal 15 accesses the electronic wallet 17, retrieves user's shopping information, i.e., data relating to the purchase indication request; user's payment information such as credit card type, number, expiration date and shipping detail data and sends the product data to the mobile phone 10 for displaying to the user 5) (Young, paragraph [0057], lines 1-9);

receiving a second message indicating a selection from said device of said particular data item (the user 5 may select/confirm the information shown as correct, for example, the shipping address and payment method, or may alter it to provide different shipping detail data and different method of payment selection for the product purchase) (Young, paragraph [0057]); and

sending said particular data item to said first service of said plurality of services (the shipping detail data and payment option data comprises data reflecting desired means of payment is sent from the mobile phone 10 to the portal 15 via the mobile

network 30 for subsequently transmitting to merchant 20 as order information) (Young, paragraphs [0058] and [0061]).

5. As to claim 3, **Young** teaches the method of claim 1, wherein the step of receiving content includes receiving content requested in messages from said device; said messages contain a particular identifier (*receiving a purchase request containing the product code 1129 from the mobile telephone 10*) (Young, paragraph [0049]); and the step of storing said one or more data records includes storing data records that are associated with said particular identifier (*the electronic wallet 16 storing user's payment and shopping information containing the purchase/order information about the product associated with the 1129 product code such as gray coat, size XL*) (Young, paragraphs [0024], lines 1-3 and [0061]).

6. As to claim 4, **Young** teaches the method of claim 1, wherein the step of storing said one or more data records containing said data items is performed transparent to a user of said device (*i.e., storing the user's shopping information in the electronic wallet 17 is performed transparent to the user 5 of the mobile phone 10*).

7. As to claim 9, **Young** teaches the method of claim 1, wherein the content includes tags (*a product code includes a particular merchant code and a particular product code*); and the step of identifying within said content, data items associated with said particular type of information is performed based on said tags (*for example, out of*



*the production code of 11290529, 112 indicates a particular merchant, i.e., merchant 20 and 90529 indicates a particular product, the coat) (Young, paragraphs [0046-0048]).*

8. As to claims 10-11, **Young** teaches the method of claim 1, wherein the step of transmitting data to said device to cause said device to present a user interface that displays a first subset of said plurality of data items (*since the consumer 5 may have a plurality of methods of payment and shipping addresses to select from, the mobile telephone 10 can not display all of them at the same time on its small display screen, hence, displaying only a subset of methods of payment and/or shipping addresses at a time*) (**Young, paragraph [0056]**); and to cause said device to present an option for causing said list to be updated to display a second subset of said plurality of data items (*inherently, said device such as mobile phone, PDA, laptop computer which all have a function allowing an option to scroll through a list of data items displayed on the screen*).

9. As to claim 12, **Young** teaches the method of claim 1, wherein said particular data item identifying a particular address (*a particular item is associated with a particular merchant, i.e., associated with a particular address*).

10. As to claim 13, **Young** teaches the method of claim 1, wherein said data records are stored in a database with data that associates the data records with an identifier (*data records are stored in the electronic wallet 17 with user's shopping and payment information associated with the user-identifying information such as name, e-mail*

*address*), the method includes the steps of: extracting the identifier from said first message (*extracting the name, e-mail address or IP address from the request message*); and locating said data records based on said identifier (*and retrieving the user's shopping and payment information associated with the user from the electronic wallet 17*) (**Young, paragraphs [0056-0057]**).

11. As to claim 15, **Young** teaches the method of claim 1, wherein said storing said data records further comprises: receiving data items associated with said particular type of information from said device (*receiving the purchase indication and the selection of payment method, shipping/billing address, etc. from the mobile telephone 10*); and storing said plurality of data items received from said device (*and storing user's shopping and payment information*) (**Young, paragraphs [0024] and [0055-0057]**).

12. As to claim 20, **Young** teaches the method of claim 1, wherein the data records are stored on a server (*the user's shopping and payment information are stored on the electronic wallet server 16 and/or on the transaction portal server 14*); the device is connected to the server through a connection that includes at least a portion that is wireless (*via mobile network 30 and wireless gateway 12*) (**Young, Fig. 2 and paragraph [0049]**); and said step of storing said data records further comprises receiving data items associated with said particular type of information from a second device that is connected to said server with a connection that is not wireless (*receiving the product data/information from the merchant 20 and/or receiving the user's shopping*

*and payment information from the electronic wallet server 16 connected with the transaction portal server 14 via the Internet); and storing said plurality of data items with an identifier associated with said device (storing user's shopping and payment information associated with the user-identifying information such as user name, e-mail address) (Young, paragraphs [0024] and [0055-0057]).*

13. As to claim 41, **Young** teaches the method of claim 1, wherein:

the step of storing data records containing a plurality of data items associated with a particular type of information includes storing a particular data record that contains one or more values previously provided to said device by a second service that is different from said first service (*the portal 15 serves as a Internet portal to Internet content providers for mobile phone users associated with gateway 12, and stores user's shopping and payment information for content provided from at least some of the content providers including information, news, offers for the purchase of goods and services, advertising, pictures, graphics, video communication and e-commerce offers*) (**Young, paragraphs [0024] and [0067]**); and

the step of sending said particular data item to said first service includes sending to said first service a value read from said particular data record (*the portal 15 and/or the electronic wallet 17 may transmit order information including the user's purchase indication information, method of payment and shipping address to the merchant 20*) (**Young, paragraph [0061]**).

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14. Claims 21, 23-24, 29-33, 35, 40 and 42 are corresponding computer-readable medium claims of method claims 1, 3-4, 9-13, 15, 20 and 41; therefore, they are rejected under the same rationale.

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**16. Claims 5-8 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young, in view of Patterson et al. (Computer Organization and Design: The Hardware/Software Interface), herein after referred as "Patterson".**

17. As to claims 5-7, **Young** teaches the method of claim 1 but does not explicitly teach deleting existing data records in response to storing said one or more data records when an amount associated with said data records reaches a predetermined threshold; selecting data records to delete based on a sequence associated with said existing data records; and wherein said sequence reflects when data items within said existing data records were most recently selected.

In an analogous art, **Patterson** teaches that devices of limited storage capability (*caches/memories*) can implement a least recently used (*LRU*) algorithm for determining what data to replace, wherein **the data selected to be replaced is the data that has gone unused for the longest time** (*i.e., has reached a predetermined threshold*) (**Patterson, pages 575-576, Choosing Which Block to Replace**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Young and Patterson to have Patterson's LRU data replacement algorithm determine which data to be replaced because the least recently used "LRU" is the most commonly used scheme in data replacement to allow the system to be able to make room to add new data and/or to keep current data to remain stored at the expense of obsolete data in a limited/finite storage when predefined thresholds and/or limits (*unused for the longest time*) are reached (**Patterson, page 576, line 1**).

18. As to claim 8, Young-Patterson teaches the method of claim 6, but does not explicitly teach replace data based on when the data was generated.

Here, "Official Notice" is taken that both the concept and advantages of having data replacement algorithms based on when data was generated (*i.e., when the data becomes old/stale*) are well known and expected in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Young-Patterson's scheme for replacing data be based on when data was generated because this would allow any one of ordinary skill

in the art (i.e., computer programmer or architect) to implement the very common and easy to design first-in-first-out (FIFO) stack or queue to hold the data records.

19. Claims 25-28 are corresponding computer-readable medium claims of method claims 5-8; therefore, they are rejected under the same rationale.

**(10) Response to Arguments**

In the Remarks, Applicant argued in substance that

(A) Prior Art does not teach or suggest, “storing, external to a device and separate from a first service of a plurality of services, data records containing a plurality of data items associated with a particular type of information”, as claimed in claim 1.

As to point (A), **Young** teaches storing, external to a device and separate from a first service of a plurality of services, data records containing a plurality of data items associated with a particular type of information (storing, external to mobile phone 10 and separate from merchant 20, the electronic wallet 17 containing data records of user's shopping and payment information containing the user's purchase/order information, methods of payment, shipping addresses, user's personal identifying information, etc. on the electronic wallet server 16 or on the transaction portal server 14) (Young, Fig. 1 and paragraphs [0024], lines 1-3; [0037], lines 1-8 and [0061]).

(B) Prior Art does not teach or suggest, “wherein the step of storing said data records comprises: receives content, provided by one or more services, in response to being requested by the device; parsing the content in an attempt to identify, one or more data items associated with said particular type of information; and when the one or more data items are identified, generating one or more data records that contain said one or more data items”, as claimed in claim 1.

As to point (B), **Young** teaches wherein the step of storing said data records comprises:

receiving content, provided by one or more services, in response to being requested by the device (the portal 15 receiving information about the product associated with the product code 1129, provided by a web server of the merchant 20, in response to being requested by mobile phone 10) (**Young, Fig. 1 and paragraph [0053], lines 1-8**);

parsing the content in an attempt to identify, one or more data items associated with said particular type of information (parsing information about the product retrieved by the portal 15 identifying one or more data items such as brand name of the product, size and color, i.e., a short description of the product) (**Young, paragraph [0053], lines 8-11**); and

when the one or more data items are identified, generating one or more data records that contain said one or more data items (the portal 15 generates

transaction records comprising the consumer's indication of which of the options the consumer desires (e.g., gray coat, size XL), to be sent to and stored at the electronic wallet 17 as user's shopping information and/or order information which is subsequently transmitted to the merchant 20) (Young, paragraphs [0024], lines 1-3, [0055] and [0061]).

(C) Prior Art does not teach, "the step of receiving content includes receiving content requested in messages from said device; said messages contain a particular identifier; and the step of storing said one or more data records includes storing data records that are associated with said particular identifier", as claimed in claims 3 and 23.

As to point (C), **Young** teaches the method of claim 1, wherein the step of receiving content includes receiving content requested in messages from said device; said messages contain a particular identifier (receiving a purchase request containing the product code 1129 from the mobile telephone 10) (Young, paragraph [0049]); and the step of storing said one or more data records includes storing data records that are associated with said particular identifier (the electronic wallet 17 storing user's payment and shopping information containing the purchase/order information about the product associated with the 1129 product code such as gray coat, size XL) (Young, paragraphs [0024], lines 1-3 and [0061]).



(D) Prior Arts do not teach or suggest “deleting existing data records in response to storing said one or more data records when an amount associated with said data records reaches a predetermined threshold”, as claimed in claims 5 and 25.

As to point (D), before addressing the argument, Examiner respectfully submits that the language of the limitation cited in the quotation “when an amount associated with said data records reaches a predetermined threshold” can be given a broad and reasonable interpretation in light of specification as “*when a predetermined value associated with said data records is reached*”. **Patterson** teaches that devices of limited storage capability (*caches/memories*) can implement a least recently used (*LRU*) algorithm for determining what data to replace, wherein **the data selected to be replaced is the data that has gone unused for the longest time** (*for example, if the predetermined threshold is defined as the longest time gone unused for 3 month then any existing data record has gone unused for 3 months would be selected to be deleted*) (**Patterson, pages 575-576, Choosing Which Block to Replace**).

For the above reasons, it is believed that the rejections should be sustained.

**(11) Related Proceeding(s) Appendix**

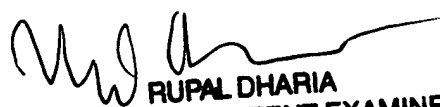
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

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Respectfully submitted,

Quang N. Nguyen

Conferees,

  
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